

1
2
3
4
5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 * * *

8 DEBRA PITTMAN, ROSALYNE R.
9 SMITH, MARKOS MENDOZA,
10 RINEO VLIJTER, and
EDITH MARSHALL,

11 Plaintiffs,

12 vs.

13 WESTGATE PLANET HOLLYWOOD
14 LAS VEGAS, LLC, WESTGATE
15 RESORTS, INC., WESTGATE
16 RESORTS, LTD., CFI SALES &
MARKETING, LTD., CFI SALES &
17 MARKETING, LLC, CFI SALES &
18 MARKETING, INC., DAVID A.
SIEGEL, RICHARD SIEGEL,

Defendant.

2:09-CV-00878-PMP-GWF

ORDER

19 The Court having read and considered Plaintiffs' fully-briefed Motion for
20 Partial Class Certification (Doc. #151), and having further considered the arguments
21 of counsel presented at the hearing conducted October 29, 2010, the Court finds that
22 Plaintiffs' Motion for Partial Class Certification (Doc. #151) must be denied.

23 Specifically, the Court finds that the particular Rule 23 class certification
24 sought by Plaintiffs in this case is incompatible with the already approved FLSA
25 collective action. Moreover, the individualized liability and damages claims of each
26 putative class member predominate and render Rule 23 class action treatment

1 inappropriate.

2 **IT IS THEREFORE ORDERED** that Plaintiffs' Motion for Partial Class
3 Certification (Doc. #151) is DENIED.

4 DATED: November 2, 2010.

5 

6
7 PHILIP M. PRO
United States District Judge